



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO:** L. RICHARD MARTIN, JR.  
Virginia Department of Social Services

**FROM:** ALLEN T. WILSON  
Assistant Attorney General

**DATE:** March 5, 2003

**SUBJECT:** Proposed Regulation 22 VAC 40-675-10 et seq.  
Personnel Policies for Local Departments of Social Services

I have reviewed the above-referenced repropoed regulation to determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate the repropoed regulation and if it comports with applicable state law.

Section 63.2-219 of the Code of Virginia states that:

The Board shall establish minimum entrance and performance standards for the personnel employed by the Commissioner, local boards and local superintendents in the administration of the succeeding chapters of this title and make necessary regulations to maintain such entrance and performance standards....

Therefore, it appears that the State Board has the authority to promulgate the repropoed regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 21 (2002), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-3890.